

MTRS proposed amendments to 807 CMR 2.00: Rules of Election
May 2011

807 CMR 2.00: RULES OF ELECTION

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807-2.01: Purpose of Standard Rules

807 CMR 2.00 governs the election of the two elected members of the Massachusetts Teachers' Retirement Board. The purpose of 807 CMR 2.00 is to establish the procedure by which members of the Massachusetts Teachers' Retirement System shall elect two members in accordance with the provisions of M.G.L. c. 15, § 16 and shall be supplemental to those rules governing the election of retirement board members as promulgated by the Public Employee Retirement Administration Commission and set out in 840 CMR 7.00.

807-2.02: Notice of Election and Eligibility

(1) The Massachusetts Teachers' Retirement Board will forward notice of the upcoming election to each school district, educational collaborative, and charter school on or before September 1 of an election year. The notice shall specify how, where, and when nomination papers can be obtained. Each retired member will receive a similar notice, ~~on or before September 1 of an election year. in conjunction with the distribution of the August retirement payment.~~

(2) Members in service (~~actively employed or on authorized leave of absence~~ [defined in chapter 32, section 3](#)) as of September 1 of an election year or members retired from service shall be eligible for nomination as a candidate to fill either of the two elected positions on the Board upon submission of nomination papers as provided by the Board, containing the valid signatures of at least 100 members in service or members retired from service.

(3) All nominees who have qualified as candidates for election will be notified of the same and will be invited to submit a brief biographical sketch of 100 words or less to be distributed to eligible voters as part of the ballot packet. The Board shall establish a deadline for the submission of each nominee's biographical sketch. Any biographical sketch received after the deadline and any portion of a biographical sketch which exceeds 100 words will not be distributed.

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807-2.03: Nomination Papers

(1) Nomination papers will be available as of September 10 of an election year, and will be forwarded to members upon request together with a copy of the Rules of Election.

~~(2) The Massachusetts Teachers' Retirement Board will validate signatures submitted on nomination papers provided by the Board to a candidate.~~

(23) The candidate must submit nomination papers containing the names of at least 100 members at one time in one packet. Nomination papers must be received at the Board's ~~Main~~Boston Office on or before October 15 of an election year. In the event that October 15 falls on a Saturday or Sunday, nomination papers must be received on or before 5:00 P.M. of the next business day.

(34) Members in service and members retired from service may sign nomination papers. Members may sign more than one set of nomination papers.

(45) The Election Officer will validate nomination papers. If the Election Officer determines that a candidate has filed nomination papers containing less than 100 qualified signatures, the Election Officer shall declare the nomination papers invalid and shall notify the candidate of his decision in writing.

807-2.04: Printing Ballots ~~and Envelopes~~

(1) The Election Officer shall print an Official Ballot containing only the proper names of the candidates in an order determined by random drawing, and their respective school districts or their last employer school district. If an incumbent elected member is nominated, he or she shall be identified as an incumbent on the official ballot.

(2) The Election Officer shall determine the actual format of the Official Ballot ~~and the return envelope~~ with the approval of the Board. For the purpose of determining eligibility to vote, the ballot shall include a unique identifier that allows for validation of the voter's eligibility while maintaining the voter's anonymity. ~~the ballot envelope shall provide for the signature, printed name, and social security number of the voter.~~

807-2.05: Distribution of Ballots

(1) The Election Officer shall print an election information packet which will contain voting instructions and biographical sketches of each candidate as provided by 807 CMR 2.02(3).

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(2) On or before November 10, the Massachusetts Teachers' Retirement Board will mail the Official Ballot, together with the election information packet, to the most current, known valid home address of every member in service and member retired from service as of September 30-member on or before November 10. In the event that a home address is not available for a member in service, the Massachusetts Teachers' Retirement Board shall mail the ballot in care of his or her school district.

(3) The Official Ballots must be received at the designated address~~Boston Office of the Board~~ on or before 5:00 P.M. on December 10. In the event that December 10 falls on a Saturday or Sunday, the ballots must be received on or before 5:00 P.M. of the next business day.

807-2.06: Verification of Ballots

(1) The Election Officer shall verify ~~ballot envelopes and~~ ballots against the official records of the Massachusetts Teachers' Retirement System.

~~(2) Verified ballots shall remain in sealed ballot envelopes until the day of the official count.~~

(2) The Election Officer will disqualify:

~~(a) ballots in a ballot envelope that contains insufficient information to verify eligibility.~~

~~(b) ballots that are not returned in the envelope provided by the Board~~

~~(ae) ballots of members who have voted more than once.~~

~~(bb) ballots that are received after the deadline.~~

~~(ce) ballots that contain identifying data of the voter.~~

~~(de) ballots that contain more than two votes.~~

~~(ee) ballots that are illegible such that, in the opinion of the Election Officer, the voter's choice of candidates is ambiguous.~~

The Election Officer shall retain all disqualified ballots for 60 days after certification of the results.

(3) Ballots shall be stored in a secure location at all times. Once the ballots are counted, the results of the count shall not be shared with members, MTRS staff, or anyone else until the Official Tabulation is received at the MTRS Main Office.

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807-2.07: Tabulation of Ballots

(1) The Election Officer, with the approval of the Board, shall set the date when ~~ballots will be counted~~the Official Tabulation of ballots shall be received and opened at the MTRS office.

~~(2) Once counted, the total of votes received for each candidate shall be compiled in the Official Tabulation, which the Election Officer shall cause to be delivered to the Board's Main Office on the date specified in 807 CMR 2.07(1).~~

~~(2) Only the members of the staff of the Board under the direction of the Election Officer shall count ballots.~~

~~(3) The Election Officer, or his/her designee, will disqualify ballots if:~~

~~(a) the ballot envelope contains insufficient information to verify eligibility.~~

~~(b) ballots are not returned in the envelope provided by the Board.~~

~~(ac) ballots of members who have voted more than once.~~

~~(bd) ballots that are received after the deadline.~~

~~(ce) ballots that contain identifying data of the voter.~~

~~(df) ballots that contain more than two votes.~~

~~(eg) ballots that are illegible such that the voter's choice of candidates is ambiguous.~~

~~The Election Officer shall retain all disqualified ballots and ballot envelopes for 60 days after certification of the results.~~

~~(34)~~ The Election Officer shall notify each candidate of the time and location of the ~~tabulation of the ballots~~receipt and opening of the Official Tabulation and shall permit all candidates, or their representatives, to be present at the ~~tabulation opening.~~

807-2.08: Certification and Recount

(1) The ~~Election Officer~~Executive Director shall certify the results of the election to the Board at the regular meeting of the Massachusetts Teachers' Retirement Board not later than the month of December in any election year.

(2) The Massachusetts Teachers' Retirement ~~Board~~System shall notify all candidates formally in writing by certified mail of the results of the election within five days of certification to the Board.

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(3) Any candidate who lost the election by fewer than 200 votes may request a recount provided that such request, made to the Election Officer, is received in writing within seven days of [receipt of](#) notification of the election results.

(4) The Election Officer shall conduct a recount within five days of receipt of such a request and shall review disqualified ballots.

(5) The [Board Election Officer](#) shall retain all valid and invalid official ballots for 60 days [after the date of certification to the Board](#).

807-2.09: Administration

(1) Unless otherwise determined by the Board, the Executive Director shall serve as Election Officer. [The duties of the Election Officer may be delegated to a person or person\(s\) as the Executive Director sees fit, including to a qualified vendor retained pursuant to a contract for services in connection with the election.](#)

(2) Except for the election information packet required by 807 CMR 2.04(1), the Board shall not distribute any campaign paraphernalia or literature on behalf of any candidate.

~~(3) Notwithstanding anything in 807 CMR 2.09(1) and (2), the Executive Director may enter into a contract with an appropriate vendor for services in connection with the election or otherwise delegate such functions of the Election Officer as he or she may deem appropriate.~~

REGULATORY AUTHORITY 807 CMR 2.00: M.G.L. c. 15, § 16